

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HOBIE H. TRIVITTE, Administrator of the)
Estate of Eleanor Ann Trivitte,)
)
Plaintiff,)
)
v.)
)
HEALTHCOMP, INC., et al.,)
)
Defendant.)

Case No.: C04-3125 PVT

**ORDER CONTINUING CASE MANAGEMENT
CONFERENCE; SETTING DEADLINE FOR
PARTIES TO FILE A SUPPLEMENTAL JOINT
CASE MANAGEMENT CONFERENCE
STATEMENT; AND STRIKING DEFENDANTS'
NOVEMBER 10, 2005 CASE MANAGEMENT
CONFERENCE STATEMENT FROM COURT
FILE**

On June 2, 2005, based on the parties' representation that they had "agreed to an outline for the proposed resolution of this lawsuit," the court signed off a Stipulation & Order to Vacate Pretrial Conference and Bench Trial and Schedule Case Management Conference, setting a case management conference for November 15, 2005.¹ On November 10, 2005 Defendants filed a Case Management Conference Statement which the court is informed by staff improperly reveals the substance of the parties' confidential settlement discussions. The court has thus not reviewed Defendants' Case Management Conference Statement. The court is informed that Defendants are requesting that the court proceed with trial setting. Because neither a stipulated dismissal nor a consent judgment has been filed, the court assumes the parties failed to reach a final settlement

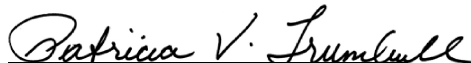
¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

1 agreement.² The Plaintiff has not filed any Case Management Conference Statement. Therefore,

2 IT IS HEREBY ORDERED that the case management conference is continued to November
3 29, 2005. No later than November 22, 2005 the parties shall file a Joint Supplemental Case
4 Management Conference Statement setting forth their proposal(s) for pretrial hearing and trial dates.

5 IT IS FURTHER ORDERED that the Case Management Conference Statement filed by
6 Defendants on November 10, 2005 is hereby STRICKEN FROM THE RECORD, and shall be
7 removed from the court's electronic filing system, because it reveals the substance of confidential
8 settlement discussions.

9 Dated: 11/14/05

10 
11 PATRICIA V. TRUMBULL
12 United States Magistrate Judge

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27 ² If Plaintiff contends a final settlement *was* reached, he shall so state in the parties' Joint
28 Supplemental Case Management Conference Statement, in which case the parties shall each set forth
their respective positions regarding what procedural steps are appropriate at this time. However, neither
party shall reveal the substance of any confidential settlement discussions in the Joint Supplemental Case
Management Conference Statement.